

wherein the Hon'ble Apex Court has decided that if the appointment is not made through examination or interview before regular appointment the apprentice cannot claim any regular employment as a matter of right and the same view has been reiterated in the "*Hindustan Aeronautics Ltd, vs. Dan Bhadur Singh and Others - 2007 LLR 1229 SC*". Though the petitioner admittedly has not produced any documents to show that he has been employed by the respondent on regular basis after the completion of the apprenticeship he has been permitted to work directly under the surveillance and control of the respondent management. As such, the contention that the petitioner was not employed by the respondent management does not hold water as the burden has been shifted to it to prove otherwise.

9. In view of the above discussion, this point is answered to the effect that the petitioner is entitled for reinstatement. With regard to the claim of backwages the petitioner cannot claim it as he has not contributed any services and the backwages cannot be automatic. Therefore the petitioner is entitled for reinstatement with continuity of service without any backwages or any other detrimental benefits.

10. In view of the above discussion, this point is answered to the effect that the petitioner is entitled for reinstatement with continuity of service from the date of this order without any backwages or any other pecuniary benefits.

11. In the result, the petition is allowed and the petitioner is entitled for reinstatement from the date of this order without any backwages or any other pecuniary benefits.

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the open court on this the 17th day of December 2010.

R. MARGARET ROSALINE,
Presiding Officer, Labour Court.
Karaikal.

Petitioner's witnesses:

PW1 — Sivakumar

Respondent's witnesses :

RW1 — Sivakumar

Petitioner's exhibits :

Ex.P1	7-9-2001	Service certificate of the petitioner
Ex.P2	7-9-2001	Office Order
Ex.P3	—	Maintenance requisition
Ex.P4	19-7-2004	Nozzle area log of respondent company.
Ex.P5	1-10-2003	Vessel entry and box up permit of respondent company.

Ex.P6	29-9-2003	Vessel entry and box up permit of respondent company.
Ex.P7	7-2-2004	Vessel entry and box up permit of respondent company.
Ex.P8	14-2-2004	Safety permit Class I -Enzyme system of the respondent company.
Ex.P9	1-3-2004	Safety permit Class I -Enzyme system of the respondent company.
Ex.P10	9-9-2003	Safety permit Class I-Enzyme system of the respondent company.
Ex.P11	26-7-2003	Safety permit Class I-Enzyme system of the respondent company.
Ex.P12	26-7-2004	Safety permit Class I -Enzyme system of the respondent company.
Ex.P13	9-8-2004	Safety permit Class I -Enzyme system of the respondent company.
Ex.P14	16-8-2004	Safety permit Class I -Enzyme system of the respondent company.
Ex.P15	3-11-2004	Xerox copy of the letter addressed by the petitioner to the Labour Welfare Officer, Karaikal.

Respondent's exhibits :

Ex.R1	12-8-2009	Authorisation letter of the respondent company
Ex.R2	13-6-2005	Letter addressed by the respondent company to Abhiraami Services (P) Limited.
Ex.R3	15-6-2006	Letter addressed by Abhiraami Services (P) Limited, to the respondent company.

R. MARGARET ROSALINE,
Presiding Officer, Labour Court.
Karaikal.

GOVERNMENT OF PUDUCHERRY
FINANCE DEPARTMENT

(G.O. Ms. No. 28/F2/2011, dated 10th May 2011)

NOTIFICATION

Whereas the Ministry of Finance, Department of Revenue, Government of India have framed the National e-Government Plan (NeGP) and the Commercial Taxes Mission Mode Program (hereinafter referred to as the

CTMMP) for modernising indirect tax administration and the CTMMP Scheme envisages e-services supported by Information Technology for providing improved service delivery through computerisation of Commercial Taxes to all stake holders and one of the targeted services is introduction of e-payment of Commercial Taxes;

2. And, whereas the Ministry of Finance, Department of Revenue, Government of India, New Delhi have also issued guidelines *vide* letter No.F.31/12/2008-SO(ST), dated 17th March 2010 for providing e-payment of taxes, at least through five Public Sector Banks in each of the States/Union Territories and the Reserve Bank of India has also agreed to grant necessary accreditation for the Public Sector Banks specified by the Government for receiving tax revenues to be credited to the Consolidated Fund of the respective Government, *vide* their letter No. DGBA. GAD.No.H-10069/31-5-2001/2009-10, dated 23rd June 2010;

3. Now, therefore, in exercise of the powers conferred by rule 67 of the Puducherry Value Added Tax Rules, 2007, the Lieutenant-Governor, Puducherry has been pleased to direct that the tax revenue, fees and any other amount required to be paid to the Commercial Taxes Department in the Union territory of Puducherry may also be paid by e-payment mode through the Public Sector Banks mentioned in paragraph 4 of this order and the Commissioner of Commercial Taxes shall notify the applicability of e-payment mode to any person or any dealer or class of dealers or in relation to any goods from time to time.

4. Further, in exercise of the powers conferred by clause (e) of sub-section (1) of section 2 of the Information Technology Act, 2000 (Central Act 21 of 2000) read with rule 2 of the Consolidated Fund of the Union Territory of Puducherry Rules, 1963, the Lieutenant-Governor, Puducherry has been pleased to appoint the following Public Sector Banks for realising the tax revenue, fees and any other amount pertaining to the Commercial Taxes Department, Government of Puducherry through e-payment, namely:-

- (a) State Bank of India
- (b) Syndicate Bank
- (c) Indian Overseas Bank
- (d) IDBI Bank
- (e) Indian Bank
- (f) Bank of Baroda

5. Payment made through e-payment mode shall be valid subject to receipt of funds from the respective Banks, duly debiting the amount from the account of the dealer/person and the receipt issued through the system mentioning the Web Reference No. and Transaction I. D. of the Bank shall be a valid proof for the discharge of the liability by the respective assessee/ dealer/person making the payment subject to the condition that the assessee/dealer/person once opted to make payment under e-payment module, they shall not be permitted to use any other mode for making payment thereafter.

(By order of the Lieutenant-Governor)

M. GUNASEGARAN,
Under Secretary to Government.

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Rt. No. 97/AIL/Lab./J/2011, dated 10th May 2011)

NOTIFICATION

Whereas, the Government is of the opinion that an industrial dispute has arisen between M/s. Abirami Soap Works, Puducherry and Thiru J. Murugadass over non-employment in respect of the matter mentioned in the Annexure to this order;

And, whereas in the opinion of the Government, it is necessary to refer the said dispute for adjudication;

Now, therefore, by virtue of the authority delegated *vide* G.O. Ms. No. 20/91/Lab., dated 23-5-1991 of the the Labour Department, Puducherry to exercise the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), it is hereby directed by Secretary to Government (Labour) that the said dispute be referred to the Labour Court, Puducherry for adjudication. The Labour Court, Puducherry shall submit the award within 3 months from the date of issue of reference as stipulated under sub-section(2-A) of section 10 of the Industrial Disputes Act, 1947 and in accordance with rule 10-B of the Industrial Disputes (Central) Rules, 1957. The party raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses to the Labour Court, Puducherry within 15 days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.

ANNEXURE

(a) Whether the dispute raised by Thiru J. Murugadass against the management of M/s. Abirami Soap Works, Puducherry over non-employment is justified or not?

(b) If justified, to what relief, the petitioner is entitled to?

(c) To compute the relief, in terms of money, if it can be so computed?

(By order)

N. APPA RAO,

Under Secretary to Government (Labour).

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G. O. Rt. No. 98/AIL/Lab./J/2011, dated 10th May 2011)

NOTIFICATION

Whereas the Government is of the opinion that an industrial dispute has arisen between M/s. Shasun Chemicals and Drugs Limited, Kalapet

and Thiru M. Arumugam over non-employment in respect of the matter mentioned in the Annexure to this order;

And, whereas in the opinion of the Government, it is necessary to refer the said dispute for adjudication;

Now, therefore, by virtue of the authority delegated *vide* G. O. Ms. No. 20/91/Lab., dated 23-5-1991 of the Labour Department, Puducherry to exercise the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), it is hereby directed by Secretary to Government (Labour) that the said dispute be referred to the Labour Court, Puducherry for adjudication. The Labour Court, Puducherry shall submit the award within 3 months from the date of issue of reference as stipulated under sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947 and in accordance with rule 10-B of the Industrial Disputes (Central) Rules, 1957. The party raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses to the Labour Court, Puducherry within 15 days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in the dispute.

ANNEXURE

(a) Whether the dispute raised by Thiru M. Arumugam against the management of M/s. Shasun Chemicals and Drugs Limited, Kalapet over non-employment is justified or not?

(b) If justified, to what relief, the petitioner is entitled to?

(c) To compute the relief, in terms of money, if it can be so computed ?

(By order)

N. APPA RAO,

Under Secretary to Government (Labour).

GOVERNMENT OF PUDUCHERRY CHIEF SECRETARIAT (EDUCATION)

(G. O. Ms. No. 43, dated 11th May 2011)

NOTIFICATION

On attaining the age of superannuation, Dr. S. Mohamed Farook, Associate Professor of Chemistry in Arignar Anna Government Arts College, Karaikal, is admitted into retirement with effect from the afternoon of 30-4-2011.

(By order)

L. MOHAMED MANSOOR,
Joint Secretary to Government (Education).

GOVERNMENT OF PUDUCHERRY CHIEF SECRETARIAT (EDUCATION)

(G. O. Ms. No. 44, dated 11th May 2011)

NOTIFICATION

On attaining the age of superannuation, Tmt. Mercy Chummar, Associate Professor of Physics in the Bharathidasan Government College for Women, Puducherry, is admitted into retirement with effect from the afternoon of 31-5-2011.

(By order)

L. MOHAMED MANSOOR,
Joint Secretary to Government (Education).

GOVERNMENT OF PUDUCHERRY CHIEF SECRETARIAT (AGRICULTURE AND FOREST)

(G. O. Ms. No. 4/Ag., dated 12th May 2011)

NOTIFICATION

Thiru G. Namasivayam, Deputy Director of Agriculture, Office of the Additional Director of Agriculture (LUP & QC), Thattanchavady, Puducherry, has been admitted into retirement on superannuation with effect from the afternoon of 31-5-2011.

(By order)

V. MANICKASAMY,
Under Secretary to Government
(Agriculture and Forests).

GOVERNMENT OF PUDUCHERRY CHIEF SECRETARIAT (EDUCATION-I)

(G. O. Ms. No. 47, dated 17th May 2011)

NOTIFICATION

On attaining the age of superannuation, Dr. J. Martin Selvaraj, Associate Professor of Sociology, Tagore Arts College, Puducherry, is admitted into retirement with effect from the afternoon of 31-5-2011.

(By order)

M. GUNASEKARAN,
Under Secretary to Government (Education).

GOVERNMENT OF PUDUCHERRY CHIEF SECRETARIAT (EDUCATION-I)

(G. O. Ms. No. 48, dated 17th May 2011)

NOTIFICATION

On attaining the age of superannuation, Tmt. Ernestine Eulalie Marie, Associate Professor of French, Kanchi Mamunivar Centre for Postgraduate Studies, Puducherry is admitted into retirement with effect from the afternoon of 31-5-2011.

(By order)

M. GUNASEKARAN,
Under Secretary to Government (Education).